

**Minutes of the Carlisle Board of Health
September 1, 2009**

Present: Board Members Jeff Brem (Chairman), Chris Deignan, Bill Risso, Mark Caddell; Absent Michael Holland; also present: Linda Fantasia (Agent); Rob Frado (TCG); (Sarah Lancaster)

The meeting was called to order at 7:30 p.m. at the town hall.

MINUTES - 6/16/09, 7/14/09, continued to next meeting.

BILLS – none.

ADMINISTRATIVE REPORTS

H1N1 – DPH has provided guidance and a flu toolkit for schools. A conference call has been scheduled for school administrators, school nurses, and health departments on 9/9/09. Marie Doyle will host. Fantasia will attend. Guidance packets were distributed to board members. Brem said members should read it carefully to be prepared to answer questions from residents. The state will be receiving approximately \$17.6M for planning and implementation of local clinics. Vaccine should be available in mid-October. The target population is children and young adults. The median age of confirmed cases is 14. Risso attended the 4A Regional Meeting. Vaccinations will require two shots. There have been 1380 confirmed cases in the state, but most likely there were many more cases that were not confirmed. Each town was given a CD which can run on local cable. The Board agreed the CD may need to be edited. Risso voted against the proposed 4A budget which provides no direct funding. The budget was approved by a majority vote. There is training money available for upcoming conferences. Fantasia and Caywood are signed up for the state conference in October. Even if a conference is paid through the grant, the town is still paying salaries. Risso said he also spoke with the Wayland Health Director about their inspectional services. They have a part time contractor. The Board is concerned about Concord's annual automatic rate increase of 5% . The Board agreed to look into other options before next June.

FERNS COUNTRY STORE – the Board received an initial review from CHD on the proposed kitchen facility. A number of technical items were noted. CHD is concerned about the water supply and that documentation provided does not refer to the current application. Brem said he had spoken with the Water Supply Division at DEP and Claire Golden of BRP (Title 5) is familiar with the situation. The Board agreed that Bearfield needs to provide current documentation from DEP. If the table seating is not to be included at this time, it should not be shown on the plan. CHD is responsible for checking for compliance with the Food Code. It is up to the Board to decide on the other issues such as water supply and waste disposal. Fantasia will inform Bearfield. Caddell asked about a completion date. Brem said there is no specific date at this time.

PH 98 WOLF ROCK ROAD – replacement of failed system requiring local waivers for design flow and setback to wetlands. Plan entitled: “Septic System Upgrade, 98 Wolf Rock Road, R. Wilson & Assoc., revised 8/26/09”. The public hearing was opened.

Present for the hearing: Russ Wilson, Mr. and Mrs. Hofstetter, owners. Green cards and floor plans were submitted. Risso was not on the abutter's list, but questioned the proximity of his house to the property. He recused himself from the hearing and left the table.

Wilson explained that the system is sited 68' from wetlands. It is a Cultec design. It is replacing a failed system. Bedrock was encountered at 4.0'. The proposed location will allow the owners to maintain a small backyard. The plan is currently before the Conservation Commission. Frado asked whether an additional section of the infiltration chamber would provide the required capacity, eliminating the need for a design flow waiver. Wilson did not think there would enough room. He is trying to avoid nearby ledge. Frado brought up alternative testing locations. Wilson said he did not test in the rear of the property because it is heavily wooded and access would have been difficult. There are rock outcrops which might indicate ledge. Brem said the Board would have an issue granting a waiver without documentation. Such testimony typically includes soil testing results, environmental impacts, and financial costs. This is clearly stated in the Board's regulation on granting waivers. Wilson said that based on his

knowledge of the site, testing in the back may not work and would be prohibitively expensive. Frado said it is not possible to identify soils without testing.

Brem said the Board is required to make findings. Without documentation, there can be no findings. Evidence also needs to be presented that the system has failed. Financial costs can be considered, but no information was presented. Wilson agreed to provide additional documentation to justify the requested waivers. The Board suggested continuing the hearing.

It was moved (Deignan) and seconded (Caddell) to continue the public hearing until September 15, 2009 at 7:45 pm. Motion passed 4-0-0. Risso returned to the table.

1128 BEDFORD ROAD – septic system upgrade. Present for the discussion was Joe March (SMI), Mr. and Mrs. Martinez and Sean Martinez (owners).

March explained that the proposed six bedroom system is an increase in flow over the existing failed system. The existing house will be demolished and a new house will be built for the Martinez' son. The proposed design does not show spring high groundwater testing with the system area. Groundwater elevation is based on out of season test pits with soil mottling. There is high water testing on an adjacent lot which is referenced on the plan. March is confident that there adequate separation to groundwater based on the nearby in season testing and soil conditions. March said the Board's current regulation no longer specifies spring high groundwater testing for voluntary upgrades. If the Board requires a waiver, they will ask for a waiver. The Board reviewed the Title 5 definition of acceptable methodology for high water testing. March said the design complies.

The Board agreed it was not their intention to eliminate in season high water testing. The omission may have resulted from editing. Frado felt that the high water testing was sufficiently referenced throughout the regulation although not as clearly stated as the previous regulation. He pointed to a number of references. If the Board agrees that the regulation requires high water testing for voluntary upgrades, they would need to waive the requirement for this design. This might set a bad precedent. Brem said he was concerned about setting a precedent and how the Board would justify granting a waiver. March said the owners want to start building as soon as possible so they can have the house closed up before winter. It would be a significant hardship for his clients to wait until next spring to do high water testing. If the Board does not agree with his interpretation of the new regulation, his client will request a waiver. Frado said that the mottling is probably an accurate reading for groundwater in this case. March felt the nearby testing showed consistent soils. Frado noted that they did not see high groundwater because of the sandy soil. There was general discussion on groundwater conditions last June. Brem suggested checking how much rain occurred during June as a finding. However, he would prefer not dealing with a waiver request which could be precedent setting. It would be difficult to state why this property was being treated differently from others.

The Board then reviewed the wording of the regulation. Brem said he could see where the requirement for high water testing was omitted from the language of the regulation. This was obviously not the Board's intention since it is clearly stated in the attached policy. Since the Board did not specifically regulate seasonal testing for high groundwater Brem would be willing to consider the application. As a comfort level, there was other physical evidence to show that the system should not be detrimentally impacted by the lack of in season testing. Board members agreed that there was an inconsistency between the Board's policy and the regulation. The Board will address this at the next meeting. Deignan said he would be willing to have the design reviewed. Risso agreed because of the additional assurance provided that from the physical information provided it is clear that the system should function properly.

It was moved (Caddell) and seconded (Risso) that the proposed septic design for 1128 Bedford Road does not require a waiver for absence of in season high groundwater testing. Motion passed 4-0-0.

LOT 6 MAPLE STREET (40B Permit) – present for the discussion was developer Yongden Chen.

Chen provided the Board with a Proposed LIP Chapter 40B Project for Lot 6 Maple Street. The packet contained information on the location, layout, and architectural details. He is the owner of the lot which also has access off Red Fox Drive. The parcel consists of four acres. He has met with the Selectmen and Housing Authority. He is

asking for Selectmen support of the project. There will be seven market rate and four affordable units, some of which will be handicapped accessible. The proposal calls for two separate condo associations. The parcel will be legally subdivided into two lots. The location is not visible from Maple Street. Almost all of the land is buildable. There is dense screening between his lot and abutters. He is working with the engineering firm of TetraTech Rizzo. It will be a limited project. Chen explained the steps they are taking to minimize impacts to the environment. Chen had checked with DEP Water Supply about the well classification. As long as the ownership of the wells is separate and the number of users does not exceed the threshold for a public water supply, DEP is alright with allowing the wells to remain private. This will be written into the master deeds. Each lot will also have a separate septic system. Chen is looking into a recirculating sand filter. Soil testing results are good with a 2-6 mpi percolation rate. The project will be LEEDS certified. Chen plans on visiting other land use boards, although the Conservation Commission has him to file for a Determination of Applicability. The Board thanked Chen for the presentation. Brem explained that as long as the wells and septic systems are in compliance, Chen should not have problems with the Board of Health.

58 WOLF ROCK ROAD – DEP denied the waiver request due to lack of 4.0' of naturally occurring pervious material beneath the system and an incorrect LTAR. DEP advised that an additional waiver would be required. The Board noted that DEP had calculated the LTAR incorrectly. In addition, designs can now use the B layer which would provide 4.0' of parent material so an additional waiver is not needed. The Board will check with Stamski & McNary who is responsible for the resubmittal.

HANOVER HILL DEVELOPMENT – Brem asked for a status report for next meeting.

THAG – Brem is chairing the advisory group which is working on the Benfield Farms Project. He described the purpose of the THAG which is to provide a more efficient permitting process. THAG does not replace regulatory hearings. Brem said he is concerned that because an applicant is working with the THAG it may be misinterpreted as fulfilling all regulatory requirements. Since a THAG is only advisory, an applicant may be unprepared if a permitting board has additional requirements or disagrees with the work that has been done. Brem said it is important for THAG members to keep their boards informed. Benfield only has very preliminary plans with no detail. More is expected for the next THAG meeting. Based on the recent percolation testing it appears that the septic system will be located in the back.

The Planning Board had prepared two policies outlining the THAG process and establishing 53G accounts in keeping with an improved land use permitting process. Board members had reviewed the documents and found them helpful.

It was moved (Deignan) and seconded (Risso) to adopt the proposals for THAG process and for the use of a 53G account to hold consulting fees. Motion passed 4-0-0.

There was no further business. Meeting voted to adjourn at 9:45 p.m.

Respectfully submitted,

Linda Fantasia, Recorder